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Via ECF

The Honorable Philip M. Halpern
United States District Court
Hon. Charles L. Brieant Jr. Federal Building and U.S. Courthouse
300 Quarropas Street, Courtroom 520
White Plains, NY 10601

Re: *Phoenix v. Cushman & Wakefield U.S., Inc.*, Case No. 7:24-cv-00965

Dear Judge Halpern:

I represent Plaintiff in the above action. I write pursuant to Rule I.B of Your Honor's Individual Practices in Civil Cases to bring to the Court's attention a recent order denying reconsideration on the court's denial of the defendant's motion to dismiss and denying certification for interlocutory appeal in *Espinal v. Sephora USA, Inc.*, Case No. 1:22-cv-03034, ECF No. 114 (S.D.N.Y. Nov. 12, 2024) (Engelmayer, J.). A true and correct copy of the *Espinal* decision is attached hereto as **Exhibit A**.

Plaintiff respectfully submits *Espinal* further supports denial of Defendant's motion, as Judge Engelmayer agreed with *Vega* in holding there is a private right to action under New York Labor Law § 191, and classified *Grant* as an "outlier decision." Ex. A, at 12.

Respectfully,

/s/ Yitzchak Kopel

cc: All counsel of record via ECF

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